

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHIEF HENRY V. TOBIN III, :
 :
 Plaintiff, :
 :
 v. : C.A. No. 04-1211 MPT
 :
 THOMAS P. GORDON, individually: :
 and in his official capacity; :
 SHERRY FREEBERRY, individually :
 and in her official capacity; :
 COLONEL JOHN L. CUNNINGHAM, :
 RETIRED, individually; :
 COLONEL DAVID F. MCALLISTER, :
 individually and in his :
 official capacity; and :
 NEW CASTLE COUNTY, :
 a municipal corporation, :
 :
 Defendants. :

PLAINTIFF'S MOTION FOR REASONABLE ATTORNEYS' FEES AND COSTS
OF THE NEUBERGER FIRM, P.A.,
PURSUANT TO 42 U.S.C. § 1988 AND FED.R.CIV.P. 54¹

1. Pursuant to 42 U.S.C. § 1988 and Fed.R.Civ.P. 54, plaintiff Moves that the Court make an award of attorneys' fees and costs of The Neuberger Firm, P.A., for the successful entry of judgment in this case.

2. Memoranda in support of this motion will proceed in accord with the Jointly Stipulated Scheduling Order for

¹ Since the time records of plaintiff's counsel, The Neuberger Firm, P.A. and the Law Office of John M. LaRosa were kept using different billing systems, a separate motion and memorandum is being filed by the Law Office of John M. LaRosa relating to its attorney's fees.

Plaintiff's Fee Petition (D.I. 38) issued by the Court in its Order dated April 17, 2008.

Respectfully Submitted,

THE NEUBERGER FIRM, P.A

/S/ Thomas S. Neuberger

THOMAS S. NEUBERGER, ESQUIRE (#243)

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Attorney for Plaintiff

Dated: May 1, 2008

CERTIFICATE OF SERVICE

I, John M. LaRosa, being a member of the bar of this Court do hereby certify that on May 1, 2008, I electronically filed this **PLEADING** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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/s/ John M. LaRosa
JOHN M. LaROSA, ESQ. (#4275)